

**COMMONWEALTH OF MASSACHUSETTS**  
**DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

Investigation by the Department of Public	)
Utilities on its own motion regarding	)
(1) implementation of Section 276 of the	)
Telecommunications Act of 1996 relative to	)
Public Interest Payphones, (2) Entry and	)
Exit Barriers for the Payphone Marketplace,	)
(3) New England Telephone and Telegraph	)
Company d/b/a NYNEX'S Public Access	)
Smart-Pay Line Service, and (4) the rate	)
Policy for operator service providers	)

**D.P.U./D.T.E. 97-88/18 (Phase II)**

**OPPOSITION OF THE**  
**NEW ENGLAND PUBLIC COMMUNICATIONS COUNCIL, INC.**  
**TO MOTION OF VERIZON MASSACHUSETTS**  
**FOR EXTENSION OF FILING DATE**

The New England Public Communications Council, Inc. ("NEPCC") respectfully opposes the motion of Verizon Massachusetts ("Verizon MA") to extend, by two weeks, the July 8, 2004 filing date for submission of Verizon MA's compliance tariff regarding Public Access Line ("PAL") and Public Access Smart-pay line ("PASL") services in accordance with the Department's Order issued June 23, 2004 ("Order") in this proceeding. The grounds for the NEPCC's Opposition are as follows:

1. This proceeding, which started in December of 1997, has been long-delayed as it is. Verizon MA now wants yet more time simply to do what the Department instructed. With all due respect this is not rocket science. Verizon MA has at least arguably been on notice of the need to prepare such a filing since the Department directed it last year to prepare TELRIC-based rates for PAL service. The Order added no new complicated twists, except the requirement that the rates be

deaveraged. If Verizon MA knew that it was going to be so difficult to accomplish why has it waited until the last minute to request for additional time? In a proceeding so long delayed already, it is grossly unfair that there be further unnecessary delay. Moreover, Verizon MA's Motion makes no commitment that it will not yet again ask for more time.<sup>1</sup>

2. Verizon MA claims that there will be no harm to the NEPCC by any such delay because Verizon MA will make its compliance tariffs effective on the same date as if they were filed on July 8, 2004 (i.e., October 6, 2004). Motion, at p. 2, n.1. In support thereof, Verizon MA cites the Order requirement that "the proposed tariff pages shall have an effective date 90 days from the date of the compliance filing." Order, at p. 34. Putting aside the fact that NEPCC members have been denied FCC-compliant rates for some 6 years while Verizon MA has collected millions in dial around compensation, Verizon MA's citation to this passage from the Order suggests that, regardless of Verizon MA's latest request for delay, the Department-directed compliance rates shall be effective by October 6, 2004. However, the Order on the very next page states that "on the ninetieth day following the issuance of the Department's Order approving Verizon MA's compliance filing, the new rates shall be effective." Order, at p. 35. This internal ambiguity raises the prospect that delaying Verizon MA's compliance filing might, in fact, further delay the trigger date of when the compliance filing can be finally approved.<sup>2</sup>

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<sup>1</sup>If any additional time is permitted, it should be made clear that no further Verizon MA extension requests will be granted and that failure to timely file the compliance filing will be sanctionable.

<sup>2</sup>Indeed, if the page 35 language is the Department's intent, it raises the prospect that the implementation of these rates could be delayed into next year, depending on the Department's docket and when it has the opportunity to "approve" the compliance filing. This issue should be quickly clarified and the Department should promptly make it crystal clear that any compliance order will be issued so that the rates, with any modifications required, would take effect no later than October 6, 2004.

For the reasons stated above, the NEPCC requests that the Department deny Verizon MA's motion to extend the deadline for submission of Verizon MA's compliance filing to July 22, 2004.<sup>3</sup>

Respectfully submitted,

**NEW ENGLAND PUBLIC COMMUNICATIONS  
COUNCIL, INC.**

By its attorney,

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Dated: July 7, 2004

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<sup>3</sup>Whatever the disposition of Verizon MA's Motion, the NEPCC reserves all rights to comment on the compliance filing as prescribed in the Order and all other rights with respect to the Order under the Department's Rules.